

**REMARKS**

Claims 1-3, 5-16 and 18 are pending.

Claims 1-3, 13-15 stand allowed.

Claim 12 was objected to.

**FOREIGN PRIORITY**

The indication that the claim for foreign priority has been granted is noted.

**INFORMATION DISCLOSURE STATEMENT**

The indication that the documents submitted in an Information Disclosure Statements filed December 5, 2001 and April 22, 2002 have been fully considered is noted.

**REPLY TO OBJECTIONS**

The drawings were objected to because it was asserted there was no "disposal means", as recited in claim 10. The disposal means of claim 10 and its equivalence are readable on the ejection devices 209a and 209b in figure 3. In fact, as set forth on page 4, lines 23 and 24, it is stated that "sushi left on the conveyor belt in each restaurant for a predetermined time is automatically

disposed of by an ejection device". (Emphasis added). Also, on lines 8 and 9 of the specification, "sushi that has been left on the tables for a certain after preparation is disposed by ejection devices 209a, 209b".

Thus, clearly the disposal means are the ejection devices. An editorial change has been made to the paragraph bridging pages 7 and 8 to provide a word disclosure of "disposal means". This change to the paragraph bridging pages 7 and 8 is completely supported by the specification as set forth above.

For the reasons set forth above, the Examiner is requested to reconsider and withdraw the objection to the drawings.

### **REPLY TO REJECTIONS**

#### **First Rejection**

Claims 5, 17 and 18 were rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In view of the amendments to claim 18, this rejection is traversed.

Claim 17 has been canceled.

In the rejection to claim 5, set forth in section 2 of the Office Action, it was stated "claim 5 recites the limitation "the kitchen. There is insufficient antecedent basis for this limitation in the claim".

A close review of claim 5 (amended) in the Reply of April 22, 2002, provides in the last two lines --a kitchen and an amount of sushi coming back to the kitchen". The phrase the kitchen has an antecedent basis based on the previous recitation of "a kitchen".

With respect to claim 18, this claim has been amended to provide a proper antecedent basis for the phrases as set forth in the Office Action on page 3, lines 1-4.

For the reasons set forth above, the Examiner is requested to reconsider and withdraw the rejection of the claims under 35 U.S.C. 112.

### **Second Rejection**

Claims 5, 6, 7 and 8 were rejected under 35 U.S.C. 102(b) as being anticipated by Nobuo et al. (JP 410234533A), hereinafter Nobuo. This rejection is traversed.

Initially, a computer translation of Nobuo is attached for the convenience of the Examiner. (Attachment A). The discussion below will comment on Nobuo, as this was the reference used in the rejection.

The cited reference is silent on the structure of "an identifier" (s1-s5 in figures 8 and 9), distributed together with sushi. This structure is recited in each of claims 5, 6 and 7. Accordingly, as each and every limitation of the

claims presented (claims 5, 6 and 7) are not shown either specifically or inherently) in the reference. A rejection under 35 U.S.C 102 is not viable.

With respect to claim 8, this claim is considered patentable, at least for the same reasons as base claim 7.

For the reasons set forth above, the Examiner is requested to reconsider and withdraw the rejection of the claims under 35 U.S.C. 102.

### **Third Rejection**

Claims 9, 10, 11, 16 and 18 were rejected under 35 U.S.C. 103 as being unpatentable over Nobuo et al. (JP 410234553A) in view of Yuichi (JP 06314285A).

A computer translation of Yuichi is attached. (Attachment B).

With respect to claims 9, 10 and 11 and 16, these claims are dependent claims depending on claims rejected under 35 U.S.C. 102, as explained above. The addition of Yuichi does not cure the inherent deficiencies of a rejection based on Nobuo et al., even though a rejection under 35 U.S.C. 103 was relied on.

With respect to independent claim 18, the combination of the references do not show or suggest "a changer for changing the time period from preparation to disposal of products, according to the kind of the product". This is recited in claim 18.

This structure enables a conveyor-belt of a sushi system to count the number of sushi's, of kind of sushi and to identify the kind of sushi on a plate. The ladder enables the system to control a time period from preparation to disposal, according to the kind of the product. This is a result of the combination set forth in claim 18. An analysis of the obviousness of a claim combination must include the consideration of the results achieved by the combination. (Emphasis added).

See, for example, the case of *The Gillette Co. v. S.C. Johnson and Sons, Inc.* 16 USPQ 2<sup>nd</sup>, 1923, 1927 (Fed. Cir. 1990) wherein the Court stated as follows:

In analysis of the obviousness of a claim combination must include the consideration of the results achieved by the combination.

For the reasons set forth above, the Examiner is requested to reconsider and withdraw the rejection of the claims under 35 U.S.C. 103.

**ALLOWABLE SUBJECT MATTER**

Claims 1-3 and 13-15 stand allowed.

Claim 12 was indicated allowable as its base claim is considered patentable, it remains in dependent form.

**CONCLUSION**

If there are any outstanding matters remaining in this application, the Examiner is invited to contact Elliot Goldberg at (703) 205-8000 in the Washington, D.C. area in order to discuss these matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Enclosures: Marked-up copy of the claims  
Attachment A and B

**MARKED-UP VERSION TO SHOW CHANGES BEING MADE**

**IN THE CLAIMS:**

18. (Amended) A conveyer-belt sushi control system controlling sushi distributed by a conveyer belt, the conveyor belt effective to carry at least two plates, comprising:

a recorder for recording the kind of a product arranged on each plate;  
and

a changer for changing [the] a time period from preparation to disposal of products according to the kind of said product.